

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
07 OCT -1 AM 9:56
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Kenneth Eugene GRIFFITHS

Defendant.

Magistrate Case No. **'07 MJ 23**

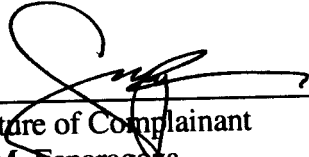
COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section
1324(a)(2)(B)(iii)-
Bringing in Illegal Aliens
Without Presentation (Felony)

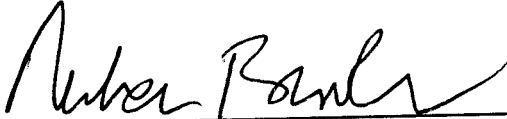
The undersigned complainant being duly sworn states:

On or about **September 27, 2007** within the Southern District of California, defendant **Kenneth Eugene GRIFFITHS**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Francisco MENDOZA-Santiago, Maria MENECEs-Palacios, and Cecilia PONCE-Parra**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


Signature of Complainant
Sara M. Esparagoza
U.S. Customs and Border Protection Officer

Sworn to before me and subscribed in my presence, this **1st** day of **October 2007**.


United States Magistrate Judge

I, United States Customs and Border Protection (CBP) Enforcement Officer Roger Quintana Jr., declare under penalty of perjury the following to be true and correct:

The complainant states that **Francisco MENDOZA-Santiago, Maria MENECESPalacios, and Cecilia PONCE-Parra** are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and that they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On September 27, 2007 at approximately 8:30 PM, **Kenneth Eugene GRIFFITHS (Defendant)** applied for admission into the United States from Tijuana, Mexico at the San Ysidro, California Port of Entry through the vehicle primary lanes. Defendant was the driver of a stolen black 2005 Chevrolet Avalanche. During primary inspection with a Customs and Border Protection (CBP) Officer, Defendant presented a U.S. Passport bearing the name Jonathan Ramsy ERB and declared he was not bringing anything back from Mexico. During the cursory inspection of the vehicle, the CBP Officer discovered a person in the bed of the truck concealed underneath a tarp. Defendant was taken into custody and escorted to secondary for further investigation. The vehicle was driven to the secondary lot for further inspection.

In secondary, five persons were discovered and removed from underneath the tarp. All were identified as Mexican citizens with no proper documents to enter the United States. Three of the five undocumented aliens concealed in the bed of the trunk were later held as Material Witnesses and are now known as **Francisco MENDOZA-Santiago, Maria MENECESPalacios, and Cecilia PONCE-Parra**. Defendant was identified as a recidivist alien smuggler and turned over to the Prosecutions Unit for further processing.

Material Witnesses were interviewed and gave the following declaration: Material Witnesses declared being citizens of Mexico with no entitlements to enter or reside in the United States. Material Witnesses stated they intended to travel to Los Angeles, California to seek employment. Material Witnesses stated they were going to pay a smuggling fee between \$100.00 USD and \$3,000.00 USD.

Executed on this 28th day of September 2007 at 3:00 PM.


Roger Quintana Jr. / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (1) page, I find probable cause to believe that the defendant named therein committed the offense on September 27, 2007 in violation of Title 8, United States Code, Section 1324.


U.S. Magistrate Judge

9/28/2007 at 12:20 p.m.
Date / Time